



2026:DHC:4036



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 04.05.2026+ CONT.CAS(C) 711/2026 & CM APPL.27041/2026

ANITA

.....Petitioner

Through: Ms. Archana Gaur, Adv. along with
Petitioner- In-Person.

versus

JATINDER KUMAR

.....Respondent

Through: Ms. S. Pani, Adv. along with
Respondent in Person.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition alleges wilful disobedience of the directions contained in the order dated 20.03.2026 passed by this Court in CONT.CAS(C) 206/2025.

2. It is noticed that *vide* order dated 20.03.2026 it was directed as under:-

CM APPL.17620/2026 (for restoration)

3. This is an application seeking revival of the CONT.CAS(C) 206/2025, in terms of the liberty granted *vide* judgment/order dated 11.02.2025 passed in the said petition.

4. After some hearing, it is agreed that the custody of the minor daughter (presently in the custody of the respondent) shall be handed over to the petitioner on Monday i.e. 23.03.2026, at the Delhi High Court Mediation and Conciliation Centre at 11.00 AM.

5. The petitioner undertakes that she shall ensure that the child regularly attends school and is not kept under lock and key (as alleged by the respondent).



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6. The said undertaking is taken on record.
7. All school related and other documents pertaining to the child (including the transfer certificate of the school), shall be handed over by the respondent to the petitioner on 23.03.2026 at the time of handing over the child's custody.
8. The application stands disposed of in the above terms.

3. The above order was passed in the backdrop of the fact that the respondent was not adhering to the earlier order dated 18.04.2024 passed by the Family Court, in terms of which the respondent was directed to handover the custody of the concerned child to the petitioner within a period of eight weeks therefrom and certain visitation rights were granted to the respondent. Instead of adhering to the terms of the said order, the respondent refused to part with the custody of the child altogether. In this context, this Court was constrained to pass the order dated 20.03.2026, when, during the course of the hearing, the respondent stated that he was not interested in retaining custody of the child.

4. During the course of the present proceedings this Court had the benefit of interacting with the parties and also the children on 27.04.2024.

5. It is evident that both the petitioner and the respondent have been remiss in acting in the best interest of their child.

6. In the circumstances, it is incumbent on this Court to ensure that none of the parties are able to obtain any unfair advantage on account of non-compliance / disobedience with the orders passed by this Court, and



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prejudice the interest/s of the concerned child. Accordingly, in order to balance the respective rights of the the respondent and the petitioner, the following directions are issued:-

- i. In terms of the order dated 20.03.2026, the custody of the minor daughter (presently with the respondent) shall be with the petitioner. However, the respondent shall be entitled to overnight custody of the child during weekends. In terms thereof, the respondent shall pick up the child from the petitioner at 11:00 AM on Saturday and return the custody of the child to the petitioner at 7:00 P.M on Sunday. It is agreed that in the event of any lapse on the part of the respondent in this regard, he shall cease to have any visitation right altogether.
- ii. During vacations, the custody of the child shall be equally shared between the petitioner and the respondent.
- iii. It is agreed that the parties shall strictly adhere to the aforesaid arrangement, which shall remain subject to the outcome of the proceedings in GP No. 44/2026, stated to have been initiated by the respondent.
- iv. The parties shall cooperate with each other in handing over the relevant documents to each other to ensure that the education of the concerned child does not get disturbed. If the petitioner is unable to ensure that the concerned child attends school regularly, the same shall entail re-examination as to whether petitioner's custody of the child should continue.

7. No further orders are required to be passed in the present petition. The same is accordingly disposed of in the above terms. Pending application



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also stands disposed of.

8. It is made clear that in the event of violation by either party of the aforesaid directions, the same shall be construed as egregious and wilful breach of the undertaking given to this Court entailing severe action.

SACHIN DATTA, J

MAY 4, 2026/uk